

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/761,441

REMARKS

Preliminarily, the undersigned requests a brief telephone interview with the Examiner to discuss the amended claims and Declaration evidence submitted herewith relative to the prior art.

Claim 1 has been amended to recite that the fluorine-containing resin coating composition is a tetrafluoroethylene resin coating composition having hydroxyl group or a chlorotrifluoroethylene resin coating composition having hydroxyl group. Support is found, for example, at page 15, lines 14-18 and from page 16, line 21 to page 17, line 3 (TFE resin coating composition having hydroxyl group and CTFE resin coating composition having hydroxyl group). Claims 7 and 8 have been canceled to conform to the amendment of Claim 1. Claim 9 has been amended to depend from Claim 1.

Review and reconsideration on the merits are requested.

Claims 1-5, 7-9, 11, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,229,461 to Saitoh et al in view of U.S. Patent 4,295,976 to Dessaint et al. The grounds for rejection remain the same as set forth in the previous Office Action.

Particularly, the reason for rejection was that it would have been obvious to apply the coating composition of Saitoh et al to leather because Dessaint et al is said to disclose that materials such as metals, plastics, wood, concrete and leather are considered equivalent substrates for application of fluorinated anti-staining coatings. With respect to the limitation of claims 1 and 15 introduced in the Amendment filed August 6, 2004, the Examiner cited Saitoh et al as teaching that the coating may be applied over a primer coating, such as an acrylic coating.

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Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to claim 1, the Declaration evidence submitted herewith and the following remarks.

The coating composition of Saitoh et al is a fluorine-containing resin coating composition essentially containing vinylidene fluoride (VdF) unit in an amount of 50 to 90% by mole. See column 2, lines 17-46. The vinylidene fluoride copolymer of Saitoh et al can contain hydroxyl group (column 2, lines 31-38). The amendment to claim 1 limits the fluorine-containing resin coating composition to a tetrafluoroethylene (TFE) resin or chlorotrifluoroethylene (CTFE) resin having hydroxyl group and which does not contain VdF unit, to the exclusion of the vinylidene fluoride copolymer of Saitoh et al.

Because there is no combination of Saitoh et al and Dessaint et al which would satisfy each limitation of amended claim 1, the amended claims are patentable over the cited prior art for this reason alone. See MPEP § 2143 - the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Notwithstanding the foregoing, Applicants submit herewith the executed Declaration Under 37 C.F.R. § 1.132 of Akihiko Ueda, a co-inventor of the present application, demonstrating that the difference between the claimed leather coated with a fluorine-containing resin coating composition of the invention which is a TFE resin coating composition having hydroxyl group or a CTFE resin coating composition having hydroxyl group and leather coated with a vinylidene fluoride resin coating composition having hydroxyl group representative of Saitoh et al, is an unobvious difference. Particularly, the results of comparative experimentation as set forth in the Declaration demonstrate that the TFE or CTFE resin coating composition having hydroxyl group of the invention provides a coated leather having superior stain-removing

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property and ethanol resistance as compared leather coated with a vinylidene fluoride resin composition having hydroxyl group.

More particularly, as set forth in page 2 of the Declaration, a white leather and dark blue leather were coated with a fluorine-containing resin coating composition prepared by mixing vinylidene fluoride resin having hydroxyl group as the curable fluorine-containing resin and a curing agent. A stain removing test, cold resistance test, flexing fatigue resistance test and ethanol resistance test were carried out in the same manner as in EXAMPLE 1 of the present application, the results of which are set forth in TABLE A at page 3 of the Declaration, together with the results of EXAMPLE 1 for TFE resin having hydroxyl group and EXAMPLES 7 and 13 for CTFE resin as set forth in the present specification.

As shown in TABLE A, the TFE and CTFE resins having hydroxyl group were superior to the VdF resin representative of Saitoh et al with respect to stain removing property and ethanol resistance. Notably, as to the VdF resin, even when the coating film is made thicker, the stain removing property does not change.

Regarding this last point, there is a pronounced difference between the coating composition of Saitoh et al and that of the invention in that the performance of the VdF resin cannot be enhanced even when the coating film is made thicker (i.e., when the coating amount is increased from 2 to 10 g/m², there is no increase in performance). See Com. Ex. A. On the other hand, the TFE and CTFE resin having hydroxyl group of the invention can provide an enhanced effect by increasing the thickness of the coating film (Examples 1-7 of the present specification).

Ethanol resistance is particularly important for leather goods. This is because leather is easily chemically degraded by an organic solvent which is not the case with other substrates such

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as metals, plastics, wood and concrete mentioned by Dessaint et al. Namely, as demonstrated in the test data submitted herewith, there is a significant difference between leather and the other substrates mentioned by Dessaint et al, particularly with respect to application of the specifically claimed fluorine-containing resin coating composition of amended claim 1. Thus, in the context and environment of the present claims, it is respectfully submitted that leather is not equivalent to metals, plastics, wood and concrete. Moreover, it is respectfully submitted that the above-noted effects of the present invention, as demonstrated in the Declaration and test data submitted herewith, is unexpectedly superior over the cited prior art.

For the above reasons, it is respectfully submitted that claims 1-5, 7-9, 11, 15 and 19 are patentable over Saitoh et al in view of Dessaint et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of the pending claims is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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